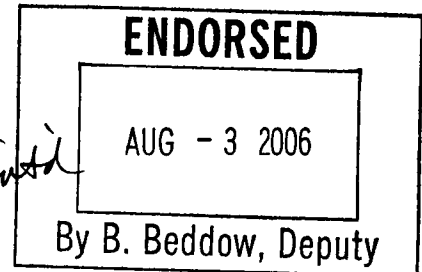


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**Attorneys for Respondent Bruce McPherson
Secretary of State, and Real Party in Interest
Geoff Brandt, State Printer of the State of California**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

GEORGE RUNNER, SHARON RUNNER,
RICHARD GANN,

Petitioners,

v.

BRUCE McPHERSON, Secretary of State of the
State of California,

Respondent.

GEOFF BRANDT, State Printer, State of
California; DIANE F. BOYER-VINE, Legislative
Counsel of the State of California; and
DOES 1-10,

Real Parties in Interest.

Case No. 06CS01097

**~~PROPOSED~~ JUDGMENT
GRANTING PETITION FOR WRIT
OF MANDATE**

[Elec. Code, § 9092; Gov. Code, § 88006]

**ELECTION LAW MATTER
PROPOSITION 83**

ASSIGNED FOR ALL PURPOSES TO:
The Honorable Patrick Marlette

Date: August 4, 2006
Time: 11:00 a.m.
Dept.: 19

This Election Law proceeding came on for a hearing on the merits before
this Court on August 4, 2006, the Honorable Patrick Marlette, presiding.

Petitioners George Runner, Sharon Runner and Richard Gann were
represented by Charles H. Bell, Jr., Esq., Thomas W. Hiltachk, Esq., Jimmie E. Johnson,
Esq., Bell, McAndrews & Hiltachk. Real Party in Interest Diane F. Boyer-Vine,

1 Legislative Counsel of the State of California, was represented by Marian M. Johnston,
2 Deputy Legislative Counsel. Respondent Bruce McPherson, Secretary of State of the
3 State of California, and Real Party in Interest Geoff Brandt, State Printer, were
4 represented by Leslie R. Lopez, Deputy Attorney General.

5 The cause having been argued and submitted for decision, the Court being
6 fully advised, having read and considered all the points and authorities, declarations and
7 evidence submitted, and good cause appearing therefore, and having directed that
8 judgment and peremptory writ of mandate should be GRANTED,

9 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

10 1. That the petition for peremptory writ of mandate is GRANTED and
11 respondent Secretary of State is directed to take all steps necessary to include in the
12 ballot pamphlet materials, as part of the Text of Proposed Laws pertaining to Proposition
13 83, the language of Penal Code section 3003, subdivision (g)(2), as added by the Statutes
14 of 2005, Chapter 463, § 1 (Assembly Bill 113), by removing or deleting the reference
15 "Put in strikeout" that presently appears in the "Text of Proposed Laws," "Text of
16 Proposition 83" that have been placed on public display (see pages 20 and 20A of
17 Exhibit "B" to the Verified Petition for Writ of Mandate), in the manner shown on
18 Exhibit "1" to this Judgment.

19 2. That Respondent Bruce McPherson, Secretary of State of the State
20 of California is directed to forward a copy of this Judgment and the "Text of Proposed
21 Laws," "Text of Proposition 83," as modified by this Judgment, to Real Party in Interest
22 Geoff Brandt, for inclusion on the November 7, 2006, General Election Ballot Pamphlet
23 materials notwithstanding the twenty day review period provided for in Elections Code
24 9092.

25 3. That each party shall bear their own costs and attorneys fees.

26 Dated: August 3, 2006

PATRICK MARLETTE
The Honorable Patrick Marlette
Judge of the Sacramento Superior Court

1 **APPROVED AS TO FORM:**

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Dated: August __, 2006

CHARLES H. BELL, JR., ESQ.
THOMAS W. HILTACHK, ESQ.
JIMMIE E. JOHNSON, ESQ.
Bell, McAndrews & Hiltachk

**Attorneys for Petitioners Runner, Runner
and Gann**

Dated: August 3, 2006


MARIAN M. JOHNSTON
Deputy Legislative Counsel

**Attorney for Real Party in Interest
Diane F. Boyer-Vine, Legislative Counsel of
the State of California**

Dated: August __, 2006

LESLIE R. LOPEZ
Deputy Attorney General

**Attorney for Respondent Bruce McPherson
Secretary of State, and Real Party in Interest
Geoff Brandt, State Printer**

1 APPROVED AS TO FORM:

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Dated: August __, 2006

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Dated: August 3, 2006

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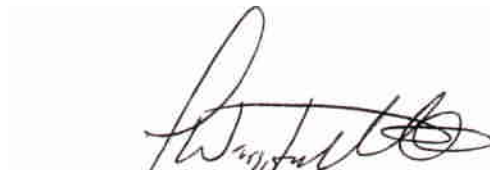
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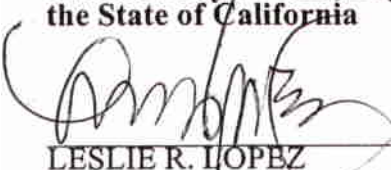


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**Attorneys for Petitioners Runner, Runner
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Deputy Attorney General

Attorney for Respondent Bruce McPherson
Secretary of State, and Real Party in Interest
Geoff Brandt, State Printer

Runner v. McPherson
Case No. 06CS01097

JUDGMENT

EXHIBIT 1

(1) ⁱⁿ ~~strike out~~

12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

(g) ~~Notwithstanding any other law, an inmate who is released on parole for any violation of Section 288 or 288.5 shall not be placed or reside, for the duration of his or her period of parole, within one quarter mile of any public or private school, including any or all of kindergarten and grades 1 to 8, inclusive.~~

(h) Notwithstanding any other law, an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of the victim.

(i) (h) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) (i) An inmate may be paroled to another state pursuant to any other law.

(k) (j)(1) Except as provided in paragraph (2), the Department of Corrections shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e).

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

SEC. 21. Section 3003.5 of the Penal Code is amended to read:

3003.5. (a) Notwithstanding any other provision of law, when a person is released on parole after having served a term of imprisonment in state prison for any offense for which registration is required pursuant to Section 290, that person may not, during the period of parole, reside in any single family dwelling with any other person also required to register pursuant to Section 290, unless those persons are legally related by blood, marriage, or adoption. For purposes of this section, "single family dwelling" shall not include a residential facility which serves six or fewer persons.

(b) Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290.

SEC. 22. Section 3004 of the Penal Code is amended to read:

3004. (a) Notwithstanding any other law, the parole authority may require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with all other conditions of parole. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the parolee and the agent supervising the parolee which is to be used solely for the purposes of voice identification.

SUBJECT TO COURT
ORDERED CHANGES

INSERT A

~~Put in strikeout~~

(2) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

SUBJECT TO COURT
ORDERED CHANGES

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